

Notice of Allowability

Application No.

09/832,437

Examiner

Elda Milef

Applicant(s)

ALAIA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/23/2007.
2. ☒ The allowed claim(s) is/are 89,91-94,96-99,103-115,119-132,134,135,137 and 138.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Response to Arguments

This Office Action is responsive to Applicant's response filed March 23, 2007.

Allowable Subject Matter

Claims 89, 91-94, 96-99, 103-115, 119-132, 134, 135, 137, and 138 are allowed. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims. Pursuant to the Terminal Disclosure filed by the Applicant on March 23, 2007, claims 89, 91-94, 96-99, 103-115, 119-132, 134, 135, 137, and 138 are allowable.

Independent claim 89 discloses a method of controlling bidding status in an online auction comprising setting a bid status to an open status for a lot with a closing time; upon determining that said closing time is reached, setting said bid status to a pending status for said lot, said pending status indicating that no bids are temporarily accepted on said lot;

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determining whether to change bid status for said lot and setting bid status in accordance with said determination.

Dependent claims 91-93 are allowable as they follow from the allowable independent claim 89.

Independent claim 94 discloses a system for controlling bidding status in an online auction comprising setting a bid status to an open status for a lot with a closing time; upon determining that said closing time is reached, setting said bid status to a pending status for said lot, said pending status indicating that no bids are temporarily accepted on said lot; determining whether to change bid status for said lot and setting bid status in accordance with said determination. Dependent claims 96-98 are allowable as they follow from the allowable independent claim 94.

Independent claim 99 discloses a method to control bid status in an electronic auction between a sponsor of an auction and a plurality of bidders, comprising setting a bid status to an open status or an overtime status for a lot with a closing time; upon determining that said closing time is reached, setting said bid status to a pending status for the lot, said pending status indicating that no bids are temporarily accepted on said lot; determining whether a return to open trigger has

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occurred; and setting said bid status to a new status according to said determination; wherein the sponsor and the bidders are coupled electronically over a communication network during the auction. Dependent claims 103-114 are allowable as they follow from the allowable independent claim 99.

Independent claim 115 discloses a system to control bid status in an electronic auction between a sponsor of an auction and a plurality of bidders, comprising setting a bid status to an open status or an overtime status for a lot with a closing time; upon determining that said closing time is reached, setting said bid status to a pending status for the lot, said pending status indicating that no bids are temporarily accepted on said lot; determining whether a return to open trigger has occurred; and setting said bid status to a new status according to said determination; wherein the sponsor and the bidders are coupled electronically over a communication network during the auction. Dependent claims 119-130 are allowable as they follow from the allowable independent claim 115.

Independent claim 131 discloses a method of controlling bidding status of a lot in an electronic auction, wherein said lot has a closing time, setting a bidding status for said lot to an open status indicating that bids will be received from

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bidders on said lot; receiving bids form bidders for said lot; upon determining that said closing time is reached, changing said bidding status for said lot to a pending status indicating that bids will not be accepted but that said bidding status may subsequently be changed to a status indicating that bids will be received; determining whether a return to open trigger event has occurred within a predefined time period following the changing of said bidding status from said open status to pending status; if said return to open trigger event has not occurred, setting said bidding status to a close status indicating that bidding is closed; if said return to open trigger event has occurred, setting said bidding status to an open status indicating that said lot is open for bidding. Dependent claim 132 is allowable as it follows from the allowable independent claim 131.

Independent claim 134 discloses a system for controlling bidding status of a lot in an electronic auction, wherein said lot has a closing time, setting a bidding status for said lot to an open status indicating that bids will be received from bidders on said lot; receiving bids form bidders for said lot; upon determining that said closing time is reached, changing said bidding status for said lot to a pending status indicating that bids will not be accepted but that said bidding status may subsequently be changed to a status indicating that bids will be

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received; determining whether a return to open trigger event has occurred within a predefined time period following the changing of said bidding status from said open status to pending status; if said return to open trigger event has not occurred, setting said bidding status to a close status indicating that bidding is closed; if said return to open trigger event has occurred, setting said bidding status to an open status indicating that said lot is open for bidding. Dependent claim 135 is allowable as it follows from the allowable independent claim 134.

Independent claim 137 discloses a method of controlling bid status in a multi-lot electronic auction, wherein each lot has a closing time and a bid status, comprising setting a first closing time for a first lot, and a second closing time for a second lot, wherein said first closing time precedes said second closing time; setting a first bid status for the first lot to a value indicating that bids will be accepted for said first lot; setting a second bid status for the second lot to a value indicating that bids will be accepted for said second lot; upon determining that said first closing time is reached, setting said first bid status to a value indicating that bids will not be accepted for said first lot, but said first bid status may subsequently be changed to a value indicating that bids will be accepted for said first lot; before said second closing time,

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determining whether a return to open trigger condition has occurred; and if said condition has occurred, setting said first bid status to a status indicating that bids will be accepted for said first lot, and updating said first closing time so that it is subsequent to said second closing time.

Independent claim 138 discloses a system for controlling bidding status in a multi-lot electronic auction, wherein each lot has a closing time and a bid status, comprising setting a first closing time for a first lot, and a second closing time for a second lot, wherein said first closing time precedes said second closing time; setting a first bid status for the first lot to a value indicating that bids will be accepted for said first lot; setting a second bid status for the second lot to a value indicating that bids will be accepted for said second lot; upon determining that said first closing time is reached, setting said first bid status to a value indicating that bids will not be accepted for said first lot, but said first bid status may subsequently be changed to a value indicating that bids will be accepted for said first lot; before said second closing time, determining whether a return to open trigger condition has occurred; and if said condition has occurred, setting said first bid status to a status indicating that bids will be accepted for said first lot, and updating said

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first closing time so that it is subsequent to said second closing time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Elda Milef
Examiner
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JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

6/11/07